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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,261	07/11/2003	Toyoji Ikezawa	116692004000	2393
25227 7590 04/10/2008 MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 400 MCLEAN, VA 22102				
EXAMINER JARRETT, SCOTT L				
ART UNIT 3623		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/617,261

Applicant(s)

IKEZAWA ET AL.

Examiner

SCOTT L. JARRETT

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
4a) Of the above claim(s) 10-49 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-9 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This Non-Final Office Action is in response to the Applicant's remarks filed February 25, 2008. Applicant's selected Group I (Claims 1-9). Currently Claims 1-49 are pending, with claims 10-49 being withdraw as directed to a non-elected invention.

Election/Restrictions

2. Applicant's election without traverse of Group I, Claims 1-9 in the reply filed on February 25, 2008 is acknowledged.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Title

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: System and Method For Creating A Sales Action Plan Based On the Difference Between Actual and Planned Sales Activities.

Claim Rejections - 35 USC § 112

5. Claims 3-4 and 6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding Claims 3 and 4, activity plan creation unit selects an *appropriate* action pattern from the action plan storage unit and corrects the activity plan as claimed. Without this disclosure one skilled in the art would be unable to practice the invention without undue experimentation.

The examiner interpreted the claim to read that the activity plan creation unit selects an action pattern from the action plan storage unit and corrects the activity plan for the purposes of examination.

Appropriate correction required.

Regarding Claim 6, the disclosure fails to state or teach one of ordinary skill in the art the how to “notifies concerned people whether a visit to a client on the visiting date itself or on a later date, *based on a sales activity experience and know-how of a sales person*” as claimed. Without this disclosure one skilled in the art would be unable to practice the invention without undue experimentation.

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The examiner interpreted the claim to read that the system notifies concerned people whether a visit to a client on the visiting date itself or on a later date for the purposes of examination.

Appropriate correction required.

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Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Thompson et al., U.S. Patent No. 7,216,087.

Regarding Claim 1 and 7-9 Thompson et al. teach a sales activity support system and method comprising:

- a client information storage unit which stores client information and business deal information on a business deal of the client (Column 7, Lines 39-44; Figure 2, Element 186);

- an action pattern (template, form, workflow, rule, process, etc.; "intelligent response", "suggestion", "Advisor message") storage unit which stores an action pattern made of a work objective and a performance time which are obtained by analyzing a sales activity of a (high performance) salesperson (Column 3, Lines 13-40; Column 8, Lines 65-68; Column 9, Lines 1-10; Column 12, Lines 19-24; Column 22, Lines 50-63; Figures 17a-17b);

- a contact information storage unit which stores contact information of concerned people (supervisor, manager, team lead, person in charge, etc.) who are to support a sales activity (Column 7, Lines 39-44);
- an activity plan creation unit which creates an activity plan ("intelligent response", "suggestion", "Advisor message") for each business deal based on an action pattern selected from the action plan storage unit in accordance with the stored business information (Column 5, Lines 10-25; Column 7, Lines 17-30; Column 14, Lines 46-68; Figures 8a-8b, 19-19b) and notifies the created activity plan to the registered concerned people (Column 15, Lines 9-14; Figures 20—20i).

Regarding Claim 2 Thompson et al. teach a sales activity and support system and method further comprising (Column 3, Lines 55-68; Column 4, Lines 1-6):

- an activity plan storage unit which stores created activity plan (Column 7, Lines 17-45; Figure 2);
- an activity achievement storage unit which stores an actually performed sales activity of a sales person (Column 22, Lines 63-68; Figures 14, 17a-17b); and
- a progress management unit which compares the activity plan stored with the actually performance sales activity for each business deal, and if there is a difference between the activity plan and actual performed sales activity notifies the difference to a supervisor of a salesperson in charge of the business deal

(Column 8, Lines 65-68; Column 9, Lines 1-10; Column 14, Lines 20-68; Column 28, Lines 56-68; Column 29, Lines 1-9).

Regarding Claim 3 Thompson et al. teach a sales activity support system and method wherein the system determines there is a difference between an activity plan and an actual sales activity for a business deal, the activity plan creation unit selects an (appropriate) action pattern from the action plan storage unit and corrects the activity plan (Column 5, Lines 18-25; Column 14, Lines 20-68; Column 15, Lines 1-25).

Regarding Claim 4 Thompson et al. teach a sales activity and support system and method wherein each time actual sales activity information is stored and updated in the achievement storage unit, the activity plan creation unit selects an (appropriate) action plan and updates the activity plan (Column 5, Lines 18-25; Column 28, Lines 56-68; Column 29, Lines 1-9).

Regarding Claim 5 Thompson et al. teach a sales activity and support system and method wherein the activity plan creation unit calculates an appropriate cycle of visits (calls, contacts, probing, meeting, etc.) for each business deal based on the performance time stored in the action pattern storage unit, determines a visiting date and an objective for at least a next visit and visits thereafter and notifies the visiting date and objective of the visit to the concerned people (Column 14, Lines 20-68; Column 10, Lines 1-18; Column 22, Lines 63-

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68; Column 23, Lines 1-5; Column 28, Lines 56-68; Column 29, Lines 1-9;

Figures 14, 17a).

Regarding Claim 6 Thompson et al. teach a sales activity and support system and method wherein the activity plan creation unit notifies concerned people whether a visit to a client on the visiting date itself or on a later date, based on a sales activity experience and know-how of a sales person (Column 8, Lines 65-68; Column 9, Lines 1-10; Column 12, Lines 19-24; Column 28, Lines 56-68; Column 29, Lines 1-9).

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8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al., U.S. Patent No. 6,067,525.

Regarding Claims 7-9 Johnson et al. teach a sales activity support system and method comprising (Column 33, Lines 31-68; Figures 7, 9, 16, 22-23):

- an action pattern storage means made up of a work objective and a performance time obtained by analyzing a sales activity of a (high performance) sales person (Column 2, Lines 50-54; Column 21, Lines 1-29; Column 34, Lines 43-50; Column 35, Lines 44-48; Figures 7, 12);
- an activity plan creation means for creating an activity plan based on the work objective and performance time for each business deal and notifying a salesperson in charge of the deal and/or his supervisor (manager) of the created activity plan (Column 19 Lines 60-68; Column 20, Lines 1-15, 49-65; Column 21, Lines 1-29; Column 23, Lines 15-30; Column 33, Lines 31-68; Column 34, Lines 1-5, Lines 44-50; Figures 7, 9).

Johnson et al. further teach a sales activity support system and method comprising an activity plan creation unit which creates an activity plan for each business deal based on an action pattern selected from the action plan storage

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unit in accordance with the stored business information and notifies the created activity plan to the registered concerned people/supervisor/manager (Column 21, Lines 1-29; Figures 7, 9).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Ryan et al., U.S. Patent No. 6,871,195, teach a system and method for sales activity supporting comprising an activity plan (e.g. training, coaching) creation unit that creates an activity for a user based on the analysis of the users activity and notifies the manager/supervisor of the activity plan.

- Whitesage, U.S. Patent No. 7,016,859, teach a system and method for sales activity support comprising monitoring and comparing a sales person actual and planned (goal) performance.

- McConnell et al., U.S. Patent No. 7,158,628, teach a sales activity support system and method comprising selecting an action plan (agent) based on customer information and salesperson (agent) information.

- Huffman, U.S. Patent No. 7,222,086, teach a sales activity support system and method comprising monitoring and storing a salesperson work objective and performance time and creating an activity plan for each business deal (customer) and notifying the salesperson's manager of the activity plan.

- Hoffman, U.S. Patent Publication No. 2001/0032140, teach a sales activity support system and method comprising an activity plan creation unit for creating an action plan for a sales person.

- Andrews et al., U.S. Patent Publication No. 2002/0077998, teach a sales activity and support system and method for effectively managing business deals.

- Reid et al., U.S. Patent Publication No. 2004/0102982, teach a sales activity support system and method.

- Adendorff et al., U.S. Patent Publication No. 2004/0102926, teach a business performance monitoring and management system and method wherein user's actual performance is compared against a activity of a high performance users (ideal, target, goal, etc.).

- Cunliffe, Super systems capture expertise of specialist (1986), teach the well known utilization of expert systems to support as well as automate a plurality of business activities (e.g. sales activities) where the action patterns (support) of the expert systems is based on the analysis of high performance users (e.g. best practices).

- Vasko et al., A multiple-attribute-based expert system for customer/order evaluation (1990), teach an expert system and method for support sales activity comprising an action pattern storage and creation unit for creating an activity plan for each business deal in accordance with stored business deal information.

- Negrino, Sales-automation software (1993), teaches the old and well known utilization of sales activity support systems (e.g. sales force automation systems and methods) wherein such systems commonly include automatic sales (activity) plan generation which include activities such as calls/visits, a work objective and a performance time (schedule), and template based automation (e.g. .pattern storage).

- Dulaney, The automated sales force (1996), teaches the well known utilization of sales activity support systems and methods including sales activity action planning, workflow and progress monitoring.

- Weber et al., Process improvement through marketing variance analysis (1997), teaches a sales support activity system and method wherein actual sales activity performance/progress is monitored and compared to planned (target, goal) performance/progress for the purposes of improving the sales support activities.

- Alban, Customer interaction monitoring (2001), teaches a sales support activity planning system and method wherein an action plan is generated based on the comparison actual sales activity to planned sales activity.

- Rosati et al., Measuring the reality of the customer experience (2002), teaches a sales activity support system and method comprising: action plan generation based on the analysis of a high performance sales person (e.g. best practice modeling) as well as comparing actual sales activity performance to planned sales activity performance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT L. JARRETT whose telephone number is (571)272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott L Jarrett/
Primary Examiner, Art Unit 3623